

**TO CLEAR THE NOTES, PLEASE FILE
ALL DOCUMENTS WITH THE CLERK'S
OFFICE BY THE END OF Wednesday,
December 22, 2004. SECOND CHECK
WILL BE POSTED ON Monday,
December 27, 2004. NO DOCUMENTS
WILL BE REVIEWED BEFORE THE
HEARING AFTER SECOND CHECK**

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

PROBATE

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS04478

CASE NAME: MICHAEL MONTOYA SPECIAL NEEDS TRUST

HEARING:

4th Account and Report of INLAND COUNTIES REGIONAL CENTER, INC.
and Petition for allowance of fees filed.

COUNSEL:

MELODIE Z SCOTT (PET)...HARTNELL HORSPOOL & FOX
INLAND COUNTIES REGIONAL CENTE(STE)...BRUNICK BATTERSBY
MCELHANEY &

GENERAL INFORMATION:

This case is set for hearing on 4th Account
Accounting period: 7/1/03 – 6/30/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need to file copy of investment statement(s) per local rule
2. Petitioner requests fees as Trustee of \$202.30 and the \$150.00 initial set up fee totaling \$352.30 already paid. Billed for 2 hours/month for 24 months
3. Petitioner requests authority to continue taking quarterly trustees fees of \$108.55, for a total of \$434.20 per year. (Petitioner alleges their annual fee is \$375/year for trusts with funds up to \$50,000 and additionally. .75% of the trust funds in excess of \$50,000.)
4. Attorneys request fees of \$1,377.50 . Billed at \$110/hour for attorney's fees (7 hours); \$105.00/hour for paralegal services (4 hours) and \$75/hour for secretarial services (2.5 hours). JTD

RECOMMENDATION:

RFA subject to 1 and Court's determination of fees. Once approved, set next accounting review for 1/5/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05101

CASE NAME: EST OF VALERIE J SMITH

HEARING:

FIRST AND FINAL Account and Report of MELODIE Z SCOTT and
Petition for allowance of fees filed.

COUNSEL:

MELODIE Z SCOTT	(PET)...	HARTNELL HORSPOOL & FOX
VALERIE J SMITH	(DEC)...	
HERBERT G BRUNKEN	(OBJ)...	THE PARTNERS INC
ILIEEN D BRUNKEN	(THE PARTNERS INC)...THE PARTN

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account
Accounting period: 11/18/02 – 8/25/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner requests statutory commission of \$4,894.07. Ok
2. Attorneys request statutory fees of \$4,894.07. Ok
3. Petitioner requests extraordinary commissions of \$2,283.00 for services regarding litigation against a prior caretaker who refused to return funds to the estate which resulted in a settlement of \$50,000 to the estate. Billed at various rates not exceeding \$85/hour for 28.90 hours. JTD
4. Attorneys request extraordinary fees of \$5,264.00 for services regarding litigation against a prior caretaker who refused to return funds to the estate which resulted in a settlement of \$50,000 to the estate. Billed at various rates for various attorneys (\$195-\$250) for 24.1 hours and \$100/hour for paralegal time (2.1 hours). Total hours billed 26.2. JTD
5. Petitioner requests authority to withhold \$2,500 as a reserve for taxes yet due and unforeseen contingencies. Ok.

RECOMMENDATION:

RFA subject to Court's determination of extraordinary fees. Once approved, set hearing for filing of receipts and final discharge for 1/13/06.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05559

CASE NAME: ESTATE OF ELISABETH M. MILES

HEARING:

FIRST AND FINAL Account and Report of IVAN R. LEVIN and Petition
for allowance of fees filed.

COUNSEL:

IVAN R. LEVIN (PET)...HARTNELL HORSPOOL & FOX
ELISABETH M. MILES (DEC)...

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account
Accounting period: 9/4/03 – 9/7/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner requests statutory commission of \$14,134.16. There is a discrepancy in the calculation of statutory compensation. (Exhibit E). Assets on hand reflect I & As total \$339,481.56, when I & A totals \$224,101.10. Correct statutory compensation is \$11,826.55 File verified supplement re: statutory compensation.
2. Attorneys request statutory fees of \$14,134.16. Attorneys Roy Nierman and Hartnell, Horspool & Fox have agreed on a division of statutory fees. Same issue as item 1. File verified supplement re: statutory compensation including modified division of fees.
3. On Receipts (Exhibit B, Schedule 1), there is listed life insurance proceeds received 1/13/04 in the amount of \$204,000. Question why these proceeds are not included in the I & A per PC 8901(e). File verified supplement re: life insurance proceeds. (It appears that these sums were accounting for when calculating the graduated filing fee.)
4. Need proof of payment of graduated filing fee of \$91.50.
5. Counsel to submit new Order reflecting correct statutory fee.

RECOMMENDATION:

Need verified supplement re: 1, 2 & 3 and proof of payment of graduated filing fee

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05657

CASE NAME: MTR RE MARY ELIZABETH MCLEOD

HEARING:

FIRST AND FINAL Account and Report of JEFFREY B MCLEOD and
Petition for allowance of fees filed.

COUNSEL:

WARREN S MCLEOD (PET)...WILSON BORROR DUNN & DAVIS
MARY ELIZABETH MCLEOD (DEC)...
JEFFREY B MCLEOD (PET)...WILSON,BORROR, DUNN & DAVIS

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account
Accounting period: 1/9/04 – 9/24/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner waives the statutory executor's commission.
2. Attorney requests statutory fees of \$5,011.41. Ok

RECOMMENDATION:

RFA. Once approved, set hearing for filing of receipts and final discharge for 1/13/06.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05710

CASE NAME: ESTATE OF HENRY CARL SAENGER

HEARING:

Petition for FOR FINAL DISTRIBUTION WAIVER OF ACCT FOR ALLOWANCE
OF STATUTORY FEES AND EXECTR'S COMM

COUNSEL:

GLEND A J. SAENGER (PET)...ROBERT A MCCARTY
HENRY CARL SAENGER (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Final Distribution on Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner requests statutory commissions of \$10,945.97. Fees calculated include receipts and a loss on sale but those amounts are not itemized per CRC 7.705(b). File verified supplement re: statutory fees.
2. Attorneys request statutory fees of \$10,945.97. Same issue re: item 1.
3. There are no investment statements to support cash listed on Inventories & Appraisements for World Savings & Wells Fargo. Need to file those statements.
4. Petitioner requests authority to withhold \$600 for closing expenses

RECOMMENDATION:

Need to clear notes 1-3. Once approved, set hearing for filing of receipts and final discharge for 1/13/06.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05745

CASE NAME: EST OF GLORIA PADILLA

HEARING:

FIRST AND FINAL Account and Report of ROBBY THONE and Petition
for allowance of fees filed.

COUNSEL:

ROBBY THONE	(PET)...HARTNELL HORSPOOL & FOX
GLORIA PADILLA	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account
Accounting period: 1/21/04 – 10/7/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner waives his statutory compensation.
2. Petitioner requests reimbursement of \$415.00. Need itemization.
3. Attorneys request statutory fees of \$11,371.99. Ok.
4. Attorneys request extraordinary fees of \$2,835.00 for services related to the sale of decedent real property including the preparation and filing of the Ex Parte Petition for Temporary Restraining Order and Petition for Injunction. Billed at \$210/hour for 13.5 hours. The following item needs clarity:
 - (a) On 4/15/04 attorney charges .7 for preparation of the Administrator's Deed. However, the escrow closing statement shows that escrow prepared the Grant Deed and charged \$50.00. Need clarity on correct charge and that charge is not duplicated.

RECOMMENDATION:

Need to clear notes 2 & 4.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05793

CASE NAME: ESTATE OF JO-CAROL RAMSARAN

HEARING:

1st & final Account and Report of KRISHNA J RAMSARAN and
Petition for allowance of fees filed.

COUNSEL:

KRISHNA J RAMSARAN (PET)...ALTHOUSE & MCDONOUGH
JO-CAROL RAMSARAN (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Final Distribution and on Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner waives statutory compensation
2. Attorneys request statutory fees of \$5,971.52. Ok
3. Petitioner, as Trustee of The Ramsaran Trust dated 3/9/1990, waives the requirement of an accounting.

RECOMMENDATION:

RFA. Once approved, set hearing for filing of receipts and final discharge for 1/13/06.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05906

CASE NAME: ESTATE OF ROBERT LEROY STORM

HEARING:

Hearing Re: REPORT OF ADMINISTRATOR REQUEST FOR WAIVER OF ACCT.

COUNSEL:

SHAWN ANTHONY STORM (PET)...JUDITH LYNN PILSON
ROBERT LEROY STORM (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Report of Administrator and Request for Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner waives statutory compensation
2. Attorney requests statutory fees of \$7,600. Ok

RECOMMENDATION:

RFA. Once approved, set hearing for filing of receipts and final discharge for 1/13/06.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05978

CASE NAME: MTR OF TERESA C LOTT

HEARING:
Petition for FOR FINAL DISTRUBTION & DISCHARGE -

COUNSEL:
NANCY H BOULINEAU (PET)...PRO/PER
TERESA C LOTT (DEC)...
JANET H JIMENEZ (TP)...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION:
This case is set for hearing on Petition for Final Distribution and Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file Special Notice of Hearing and proof of service to Attorney Thomas W. Dominick.
2. Court previously waived the statutory filing fee. However, circumstances have now changed that the petitioner will have an inheritance of \$26,000. Court should order petitioner to pay the filing fee of \$463.00.
3. Petitioner is sole heir of the estate.
4. Order for Final Distribution cannot be signed until filing fees are paid.

RECOMMENDATION:
RFA subject to 1 & 2. Once approved, set hearing for filing of receipts and final discharge for 1/13/06.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06024

CASE NAME: EST OF MICHAEL D CLARK

HEARING:
Petition for FOR FAMILY ALLOWANCE AFTER PARTIAL INVENTORY -

	COUNSEL:
GAIL K CLARK	(PET)...WILSON,BORROR, DUNN & DAVIS
MICHAEL D CLARK	(DEC)...

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06195

CASE NAME: MTR OF JOHN VINCENT WEINDLER

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

VIVIAN MARIE BRIDGEWATER (PET)...JAMES BANKS JR
JOHN VINCENT WEINDLER (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, Letters Testamentary w/Full Authority
under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need to file due Proof of Publication
2. Will waives bond.

RECOMMENDATION:

RFA subject to 1. Once approved, set hearing for filing of the Inventory & Appraisal for
7/29/05. Set the hearing for the accounting and/or status review for 3/17/06. Accountings
to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06196

CASE NAME: MTR OF DOUG LA TANT

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

KELLY LA TANT
DOUG LA TANT

(PET)...LAW OFFICES OF DAYN A. HOLSTON
(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration w/Full Authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner is surviving spouse.
2. Petitioner requests bond be set at \$75,500. Ok.
3. Need to file due Proof of Publication

RECOMMENDATION:

RFA subject to 3. Once approved, set hearing for filing of the Inventory & Appraisal for 7/29/05. Set the hearing for the accounting and/or status review for 3/17/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06197

CASE NAME: JOSEPHINE L DEANE LIVING TRUST

HEARING:

Petition for FOR ORDER CONFIRMING SUCCESSOR TRUSTEE AND TRUST
ASSETS

COUNSEL:

ANNA PAULINE BOWN (STE)...SKOUSEN & SKOUSEN

GENERAL INFORMATION:

This case is set for hearing on Petition for Order Confirming Successor Trustee and Trust
Assets

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Josephine Deane, trustee of the Josephine L. Dean Living Trust dated 3/12/1994, died on 10/8/04
2. In Article III, Section C, of the trust, petitioner Anna Pauline Bown, is nominated as successor trustee, and in Section H, it provides that the successor trustee shall not be required to post bond. Petitioner requests the Court to confirm her appointment as successor trustee without bond.
3. Petitioner alleges that prior to decedent's death, decedent transferred the real property at 7253 Del Rosa Avenue, San Bernardino, out of the trust for the purposes of refinancing it. Petitioner further alleges that decedent died before she was able to transfer the real property back into the living trust. The property is listed on Schedule "A" of the Trust (attached).
4. No proposed Order submitted.

RECOMMENDATION:

Court's discretion.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06198

CASE NAME: MTR OF DARLEEN MARIE HARP

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
WANDA TORRES (PET)...CHRIS HANSEN
SANDRA KUENY (PET)...CHRIS HANSEN
DARLEEN MARIE HAMP (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration w/Full Authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file due Proof of Publication
2. Petitioners request bond be set at \$161,000. Ok.

RECOMMENDATION:

RFA subject to 1. Once approved, set hearing for filing of the Inventory & Appraisal for 7/29/05. Set the hearing for the accounting and/or status review for 3/17/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06199

CASE NAME: MTR OF OSVALDO ZAYAS TORRES

HEARING:
Spousal Property Petition hearing.

COUNSEL:
LEONA E TORRES (PET)...LAW OFFICES OF JAMES T. LILLAR
OSVALDO ZAYAS TORRES (DEC)...

GENERAL INFORMATION:
This case is set for hearing on Spousal Property Petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need to file Notice of Hearing and proof of service
2. Petitioner requests determination of property passing to the surviving spouse
 without administration (i.e., real property at 156 S. Lamarr Avenue, Rialto
 and Washington Mutual account)
3. Anthony Torres, only child of decedent, has signed an Assignment of
 Interest in Real & Personal Property to petitioner.
4. No proposed Order submitted.

RECOMMENDATION:
RFA subject to 1.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06202

CASE NAME: EST OF RUTH J WEENING

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

DIRK WEENING	(PET)...PRO/PER
RUTH J WEENING	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration w/Full Authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file due Proof of Publication.
2. Petitioner requests bond be waived as all of the heirs have signed waivers of bond. (All heirs are residents of California). Ok

RECOMMENDATION:

RFA subject to 1. Once approved, set hearing for filing of the Inventory & Appraisal for 7/29/05. Set the hearing for the accounting and/or status review for 3/17/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06204

CASE NAME: ESTATE OF RUDOLPH S SANDERS

HEARING:
Spousal Property Petition hearing.

COUNSEL:
TERESA M SANDERS (PET)...CRAIG M PARKER
RUDOLPH S SANDERS (DEC)...

GENERAL INFORMATION:
This case is set for hearing on Spousal Property Petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner alleges that she married the decedent in 1995. Decedent leaves as his heirs his spouse, adult children, and two issue from a predeceased child one of whom is a minor.
2. Petitioner further alleges that in 1998, she and decedent jointly purchased the real property at 9032 Oleander Ave., Fontana, and in order to obtain financing the property was transferred in decedent's name only. Question whether the source of the funds to purchase this property were separate or community. File verified supplement as to source of funds, and if the funds were community provide specific allegations as to the source of the community.

RECOMMENDATION:
Need verified supplement

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06206

CASE NAME: ESTATE OF DONNA TERESA DEEN

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

TY DEEN (PET)...GRESHAM SAVAGE NOLAN & TILDEN
DONNA TERESA DEEN (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration w/limited authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file due Proof of Publication
2. Petitioner requests bond be set at \$10,000. Ok.

RECOMMENDATION:

RFA subject to 1. Once approved, set hearing for filing of the Inventory & Appraisal for 7/29/05. Set the hearing for the accounting and/or status review for 3/17/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **CONSERVATORSHIPS**

DATE: 12/30/04 TIME: 10:00 DEPT: S5

CASE #: SC SS02770

CASE NAME: MTR OF LEON M VEAL

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MEL D PREIMESBERGER (CPE)...YOLANDA
LEON M VEAL (CEP)...

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

ACCOUNTINGS

DATE: 12/30/04 TIME: 10:01 DEPT: S5

CASE #: SC SS00089

CASE NAME: IN THE MATTER OF GREGORY L PENNINGTON

HEARING:

FOURTH Account and Report of RICHARD PENNINGTON and Petition for allowance of fees filed.

COUNSEL:

GREGORY L PENNINGTON (CEP)...ANNETTE G DE BELLEFEUILLE
RICHARD PENNINGTON (CPE)...JOHN D MICKUS

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 10:01 DEPT: S5

CASE #: SC SS00214

CASE NAME: IN THE MATTER OF LOIS NIGHTINGALE

HEARING:

Hearing re: AFFIDAVIT TO DISPENSE WITH NEED FOR ACCOUNTING

COUNSEL:

LOIS NIGHTINGALE	(CEP)...ELISABETH KEMPE-OLINGER
MELODIE Z. SCOTT	(CPE)...J. DAVID HORSPOOL

GENERAL INFORMATION:

This case is set for hearing on Affidavit to Dispense with Need for Accounting
(Accounting is due for period: 11/22/02 – 11/21/04)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner requests accounting be waived per PC 2628.
No procedural issues

RECOMMENDATION:

RFA, absent any objections. Set next accounting review for 1/5/07. Accounting to be filed
30 days in advance.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 10:01 DEPT: S5

CASE #: SC SS01214
CASE NAME: IN THE MATTER OF JULIE FORRESTER

HEARING:
SIXTH CURRENT Account and Report of MELODIE Z SCOTT and Petition
for allowance of fees filed.

COUNSEL:
JULIE FORRESTER (CPE)...JAMES B CHURCH
MELODIE Z SCOTT (CPE)...SEAVER & GILL

GENERAL INFORMATION:
This case is set for hearing on 6th Account
Accounting period: 8/1/03 – 7/31/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need to file Notice of Hearing and proof of service.
2. Petitioner requests fees of \$14,490.50, of which \$6,000 has been taken on account per Order Settling 5th Account filed 1/23/04, leaving a balance of \$8,490.50. Billed at an average hourly fee of \$54/hour for 268 hours. Itemized. Petitioner routinely charges over 9 hours per month for financial related matters (monthly bill paying, deposits, account reconciliation) for the months 8/03–5/04, but then in 6/04, petitioner reduces her time to 6 hours for financial matters. What changed as it appears description of financial matters is the same. Should each month reflect 6 hours for financial matters? Question whether fees should be reduced \$1350? (Difference is equal to \$45/hour for 3 hours for 10 months). File verified supplement to explain services re: financial matters.
3. Attorneys request fees of \$8,925.00. Billed at \$250/hour for 35.7 hours. Itemized. JTD
4. Bond is currently set at \$700,000 with 2 blocked accounts at AG Edwards & Gorian Investments. Petitioner alleges that the net bondable amount is the sum of \$701,336. Court should impose bond at \$710,000, an increase of \$10,000.

RECOMMENDATION:
Need notice & verified supplement re: 2.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 10:01 DEPT: S5

CASE #: SC SS01938

CASE NAME: MTR RE JENNIFER LISA REECE

HEARING:
SECOND CURRENT Account and Report of DEBORAH A HAYNES, SUSAN
CRAMTON JOHNSON and Petition for allowance of fees filed.

COUNSEL:
DEBORAH A HAYNES (CPE)...JOHN M HUGHES
SUSAN CRAMTON JOHNSON (CPE)...JOHN M HUGHES
JENNIFER LISA REECE (CEP)...ROBERT S WORLEY

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02158

CASE NAME: MTR RE ORLANDUS W LEECH

HEARING:

FIRST AND FINAL Account and Report of DUANE FAULKS SR , JOYCE M FAULKS and Petition for allowance of fees filed.

COUNSEL:

JOYCE M FAULKS	(CPE)...PRO/PER
DUANE FAULKS SR	(CPE)...LENITA A SKORETZ
ORLANDUS W. LEECH	(CEP)...

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account

Accounting period: 7/15/02 – 9/12/03

Conservatee died on 9/12/03.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file Notice of Hearing and proof of service
2. Petitioner alleges that the assets on hand total \$9,150 ("at their carry value"). However, there is no Inventory & Appraisal on file. Need to file Inventory & Appraisal per PC 2610.
3. Petitioners, as co-conservators, waive any conservator's fees due.
4. Attorneys request fees of \$1,313.25. Billed at \$50/hour for both attorney time and paralegal time for 25.1 hours. There is a discrepancy in the calculation; 25.1 hours at \$50/hour totals \$1,255.00. In addition, in the prayer, the request for attorneys fees is \$1,493.41. File verified supplement re: attorneys fees request.
5. Petitioners allege that the report and account are incomplete, but does include all of the information that is available. It appears from the disbursements that co-conservators reimbursed themselves for estimated expenses (not itemized) including a loan to Duane Faulks of \$1,500 for the purchase of a van. Petitioners are the daughter and son-in-law of the

conservatee. Court may wish to inquire of petitioners whether conservatee had any creditors whereby an accounting of reimbursed expenses and a reimbursement of the \$1,500 loan are necessary.

RECOMMENDATION:

Need to clear notes 1-4.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02183

CASE NAME: MTR OF DOROTHY H. LEE

HEARING:
Petition for INSTRUCTIONS -

COUNSEL:

MELODIE Z. SCOTT	(CE)...HARTNELL HORSPOOL & FOX
DOROTHY H. LEE	(CTE)...
LAWRENCE DEAN	(SC)...HARTNELL HORSPOOL & FOX
ANTHONY PAPAVARO	(TP)...PRO/PER
EMILY PAPAVARO	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on for Petition for Instructions (regarding the Sale of Conservatee's Residence)

At a hearing on 6/27/03, the petitioner/conservator agreed to remove his petition to sell conservatee's residence and rent the residence at the suggestion of the court-appointed counsel, Annette deBellefueille (conservatee and conservatee's counsel previously objected to the sale). Petitioner rented the residence to tenants (father & grandfather) who were general contractors. Petitioner/Conservator further agreed to lower the rent in exchange for repairs and maintenance to the house. Petitioner alleges several repairs have been made to the residence. However, a neighbor to the rental contacted the City of Redlands and complained about the work being done and an inspector came to the residence and informed the tenant that a permit was required. Petitioner alleges the tenants have tried to obtain permits, but have been unable to do so. Petitioner further alleges that when kitchen repairs were being prepared, an asbestos-like substance was discovered in the kitchen walls, and petitioner requested that the tenant not perform any further repairs to the residence.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner alleges that the repairs necessary would cost over \$50,000, but if the tenants completed the repairs it would cost much less. Has petitioner gotten an estimate for the work by a contractor and/or the tenants as to costs? File verified supplement.
2. Petitioner alleges the tenants are general contractors. Shouldn't the contractors have known when a permit would be required for repairs? Is the conservator liable to the conservatee for allowing the tenants to make repairs without getting proper permits? Is the house inhabitable due to the asbestos-like substance? File verified supplement re: permits and occupancy.
3. Petitioner makes no allegations regarding the real property manager, Lance Riley. What maintenance and/or inspections, if any, were being provided by him? File verified supplement.
4. The residence at 1015 College Avenue, Redlands was appraised at \$150,000, but petitioner alleges that the value is worth double if the residence were sold. With the repairs completed? File verified supplement.
5. Petitioner alleges that the beneficiary of conservatee's estate (a charity) has been informed of the proposed sale. Has petitioner contacted conservatee and/or conservatee's counsel? What is their current position on the proposed sale? File verified supplement.
6. Petitioner believes it is in conservatee's best interest to sell the residence, or in the alternative, to request the court to instruct petitioner to hire the tenants to complete the repairs in lieu of lower rent or hire another general contractor. File verified supplement with the names of the tenants and/or contractor's business name as well as fair market value rent versus amount of rent to be lowered and more specific information as to why the sale and/or work is in the conservatee's best interests.
7. Petitioner alleges that if court approves the sale, the net proceeds would be placed in a blocked account.
8. Need report of court-appointed counsel.
9. No proposed Order submitted.

RECOMMENDATION:

File verified supplement re: 1-6 and need report of court-appointed counsel

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 12/30/04 TIME: 11:00 DEPT: S5

CASE #: SC SS02624

CASE NAME: MTTR OF GENEVIEVE CLARA GREEN

HEARING:
Accounting Review

COUNSEL:
DARYL GREEN (CPE)...FULLERTON LEMANN SCHAEFFER & D
GENEVIEVE CLARA GREEN (CEP)...
GENEVIEVE CLARA GREEN (TP)...GEORGE F DICKERMAN

GENERAL INFORMATION:
This case is set for hearing on Accounting Review.
(Accounting is due for period 1/1/00 – 9/30/04)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. The conservator of the person & estate was appointed on 9/30/04
2. Inventory & Appraisal filed 10/29/04.
3. Per Stipulation of Parties entered into 9/30/04, conservator is to account for the period 1/1/00 – 9/30/04 including “a recitation of all receipts and disbursements on behalf of the conservatee, whether or not received as trustee.” The accounting is not yet filed

RECOMMENDATION:
None.